THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.15299 of 2007

Date 19-7-2007

Between:
Md. Moizuddin

.....

PETITIONER.
AND

State of A.P. represented by its Principal Secretary to Government, Irrigation and CAD Department and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION NO.15299 of 2007

ORDER: (per Smt. T. Meena Kumari,J)

The petitioner filed the present writ petition seeking a Writ of Mandamus to declare the order dated 2.7.2007 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A. No.2962 of 2007, as arbitrary and illegal and contrary to the orders issued by the Government in G.O. Ms. No.100, Finance (W&M) Department, dated 1.5.2007.

The brief facts of the case are that the petitioner herein was working as a Deputy Executive Engineer at Sub-Division No.1 of division No.3 of LMD Colony, Sripada Sagar Project. While so, the 2nd respondent through the proceedings bearing No. Rc/ENC/C3/ 37700/07-1, dated 26.5.2007, transferred the petitioner herein to Choppadandi Division No.3 of G.V.C.IV, SRSP of G.V.C. IV Circle, LMD Colony, Karimanagar in place of the 4th respondent herein. Thereafter, through proceedings dated 31.5.2007, the petitioner was posted to Sub-Division No.3 of Division No.1 of F.F.C. II instead of Division No.3. Assailing the same, the petitioner filed O.A No. 2962 of 2007 before the Tribunal. However, through order dated 28.6.2007, the Tribunal basing on the submission of the learned counsel for the petitioner, dismissed the O.A. as infructuous. But, on a mention being made by the petitioner, the O.A. was again listed on 6.7.2007 under "for being mentioned". The Tribunal, through, the impugned order dated

6.7.2007, dismissed the O.A. Hence, the present writ petition.

Learned counsel for the petitioner would contend that since the transfer is on administrative grounds, it would cast a stigma on his career. He further submitted that the Tribunal erred in dismissing the O.A. He, therefore, prayed that the impugned orders be set aside and the writ petition be allowed.

On the other hand, learned Government Pleader for Services-I appearing on behalf of the respondents has supported the impugned orders and submitted that the same does not require any interference at the hands of this court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Services-I.

On a perusal of the order of the Tribunal dated 28.6.2007, it is seen that though the petitioner was initially posted to Sub-Division No.4 of Choppadandi Division No.3, G.V.C. IV SRSP, of LMD Colony, however, through order dated 31.5.2007, the petitioner was posted to Sub- Division No. 3 of Division No.1 of FFC II, LMD Colony. Pursuant to the said orders, the learned counsel for the petitioner stated before the Tribunal that in view of the modification orders issued by the respondents on 31.5.2007, the O.A. has become infructuous. Basing on the said submission of the learned counsel, the Tribunal through order dated 28.6.2007, dismissed the O.A. as infructuous. Thereafter, on a mention being made by the learned counsel for the petitioner, the matter was again listed before the Tribunal and through the orders impugned in this writ petition dated 6.7.2007, the Tribunal closed while observing that in view of the fact that the transfer order has been modified by the respondents and in view of the fact that the petitioner is being continued in the same place from where he was shifted, it is not desirable to interfere with the transfer orders issued by the respondents. Further, on a perusal of the transfer order, it is seen that the transfer itself is on mutual basis.

In the circumstances, we do not find any reason to interfere with the

said order of the Tribunal impugned in this writ petition.

At this stage, learned counsel for the petitioner sought liberty of this court to make a representation to the respondents with regard to his transfer.

However, if the petitioner makes such representation within a period of two weeks from the date of receipt of a copy of this order, the respondents shall consider and pass appropriate orders on the same within a period of four weeks thereafter.

The writ petition is accordingly disposed of. No costs.

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T. MEENA KUMARI,J

DATE: 19th July, 2007

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G. CHANDRAIAH,J

Note:
Furnish c.c. by 23.7.2007
B/o
pnb